

anc.law.ecf@alaska.gov

IN THE SUPREME COURT OF THE STATE OF ALASKA

HONORABLE MICHAEL J.)
DUNLEAVY, in his official capacity)
as Governor for the State of Alaska,)

Appellant,)

v.) Supreme Court No.:

THE ALASKA LEGISLATIVE)
COUNCIL, on behalf of THE)
ALASKA STATE LEGISLATURE,)

Appellee.)

Trial Court Case No.: 1JU-20-00938 CI

**AFFIDAVIT OF GINA RITACCO, DIRECTOR OF BOARDS & COMMISSIONS,
IN SUPPORT OF EMERGENCY MOTION TO EXPEDITE APPEAL**

I, Gina Ritacco, declare under penalty of perjury that the following is true and correct:

1. I am the Director of Boards and Commissions for the Office of the Governor for the State of Alaska. I have personal knowledge of the matters in this declaration. I have been the Director since December 3, 2018.

2. The Office of the Governor is responsible for finding and recruiting qualified, eligible Alaskans to serve on over 130 boards and commissions. Some positions are full-time salaried jobs, such as members of the Regulatory Commission of Alaska, though most of the members on the state's boards and commissions are volunteers.

3. Boards and commissions often have statutory membership requirements that are designed to ensure that members have particular expertise to serve on boards and

commissions regulation professions and businesses as well as to ensure broad geographic representation. As a result, recruitment efforts for these openings can be constrained by our office's need to identify candidates with very specific professional credentials or from select geographic areas.

4. These limitations as well as the volunteer nature of most positions can make finding qualified candidates difficult. On average, it typically takes between two weeks and three months to recruit a new board member.

5. While there are roughly 1,300 positions on Alaska's boards and commissions, the use of staggered terms and gubernatorial discretion to replace some boards and commissions members means that on average, my office has between 100 and 300 vacancies we need to fill at any one time.

6. Last year, on February 4, 2020, Governor Dunleavy presented to the Thirty-First Alaska State Legislature the names of seventy-nine executive branch appointees for confirmation by a majority of the members of the legislature in joint session, under his authority pursuant to Article III sections 25 and 26 of the Alaska Constitution. That correspondence was published in the House Journal on February 5, 2020 at 1528-1537.

7. The governor made additional executive branch appointments throughout the session, and ultimately there were ninety-four executive branch appointees presented for confirmation.

8. On December 23, the Senate Secretary informed Governor Dunleavy that the ninety-four executive branch appointees, which included Commissioner of Revenue

Linda Mahoney, had “failed to be confirmed,” though no joint session of the legislature had voted on the appointees.

9. Governor Dunleavy has continued to make new appointments to various positions after the Thirsty-First Legislature adjourned as new vacancies arise, individuals resign or withdraw from consideration, and terms expire.

10. The first regular session of the Thirty-Second Legislature began on January 19, 2021.

11. Since January 19, 2021, Governor Dunleavy has presented 181 names for confirmation under Article III sections 25 and 26. This list includes many of the ninety-four individuals who the legislature did not vote to confirm or decline in joint session last session, including multiple members of the State Medical Board and the Board of Nursing as well as a new cabinet member, Attorney General Treg Taylor, and many other boards and commissions officials.

12. The last day of the statutory ninety-day session is Monday, April 19, 2021.

13. If the superior court’s decision stands, and the legislature fails to meet in joint session to confirm or reject the names presented for confirmation, 181 executive branch positions will become vacant, requiring our office to fill 181 executive branch positions with little or no notice.

14. Even if our office were to start planning now, or even if the legislature confirms some, but not all, of those 181 officials, a large number of executive branch vacancies will still be extremely difficult, if not impossible, to fill in a timely, thoughtful way.

Dunleavy v. ALC
Affidavit of Gina Ritacco

Page 3 of 4

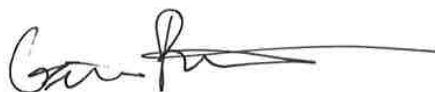
15. Many boards and commissions may be left without a legal quorum to conduct business, including but not limited to: the State Medical Board; the Board of Fisheries; and the State Commission for Human Rights.

16. Other agencies, including the Department of Revenue, the Public Defender's Office, and the Attorney General, will be left without an appointed commissioner or agency head.

17. My office needs as much time as possible to recruit, identify, and evaluate qualified Alaskans for open positions.

18. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 22, 2021.

DATED: February 22, 2021



By: /s/ Gina Ritacco

Gina Ritacco
Director, Office of Boards &
Commissions
State of Alaska

Sworn to and subscribed before me on
22 day of February, 2021

